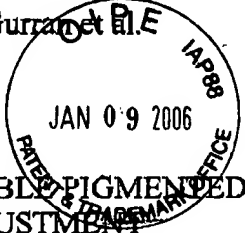


IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Daniel J. McGurran et al.
Serial No.: 09/872,532
Filed: June 1, 2001
Title: COLOR STABLE PIGMENTED POLYMERIC FILMS HAVING DYES FOR COLOR ADJUSTMENT

Examiner: Ahmed, Sheeba
Group Art Unit: 1773
Docket: 56763US002 (M120.221.101)



DECLARATION OF DANIEL J. MCGURRAN UNDER 37 C.F.R. § 1.132

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I, Daniel J. McGurran, hereby declare as follows:

1. I am a named inventor of the subject matter described and claimed in the above-identified U.S. Patent Application Serial No. 09/872,532, filed June 1, 2001.

2. I submit this Declaration in support of the patentability of the claims of U.S. Patent Application Serial No. 09/872,532.

3. This Declaration under 37 C.F.R. § 1.132 is made in Response to the Office Action mailed October 5, 2005 and in particular Paragraph 3 thereof in which the Examiner rejected claims 1, 2, 10, 11, 13-19, 21, 24, and 25 under 35 U.S.C. § 102(e) as anticipated by language of McGurran et al., U.S. Patent No. 6,569,517 ("McGurran") as specifically cited by the Examiner ("cited McGurran disclosure").

4. The language of McGurran cited by the Examiner is my own work. In particular, a color-tailorable polymeric optical body having a polymeric core including at least one layer of thermoplastic polymer material having dispersed therein a particulate pigment, and a metallic layer on the outer surface of the polymeric core, and the optical body having a* and b* values ranging from about -5 to 5 within the visible spectrum, where the core includes thermoplastic materials such as polyesters, and the particulate pigment has a mean diameter of 10 nm to 500 nm including carbon black pigment added in an amount between 0.01 to 1.0%, and pigments such as indanthrone, copper phthalocyanine, and cobalt aluminate can be used with the carbon

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its solvent is that a dye preserves a high degree of optical clarity when employed in film structures.

14. Based upon the above, it is my belief as one of ordinary skill in the art of chemistry and optical bodies/films that the statement made at page 8 of the Office Action mailed October 5, 2005 relating to the pending application that "Although McGurran [USPN 6,569,517] uses the term 'pigment' for indanthrone, copper phthalocyanine, and cobalt aluminate these are the same 'dyes' used in the instant invention and hence are inherently the same." is incorrect.

15. I declare that all statements made herein are of my own knowledge and are true, and that all statements are made on information and belief are believed to be true; and, further, that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: 1/5/2006

Daniel J. McGurran
Daniel J. McGurran